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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA, Plaintiff,  
18 v.  
19 MARTIN VELAZQUEZ, Defendant.

20 CASE NO. 1:22-CR-00249-JLT-SKO  
21 STIPULATION REGARDING EXCLUDABLE  
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
23 ORDER  
24 DATE: January 8, 2024  
25 TIME: 10:00 a.m.  
26 COURT: Hon. Jennifer L. Thurston

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28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendants, by and  
30 through defendants' counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for a change of plea hearing on January 8, 2024.  
32 2. By this stipulation, defendant now moves to continue the change of plea hearing to  
33 January 22, 2024, at 10:00 a.m. before the Hon. Jennifer L. Thurston, and to exclude time between  
34 January 8, 2024, and January 22, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv).

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The government has represented that the discovery associated with this case  
37 includes cell phone extractions, investigative reports, photographs and other media evidence. All  
38 this discovery has been either produced directly to counsel and/or made available for inspection  
39 and copying.

b) Since the change of plea hearing was set, the schedule for defense counsel has changed and make appearance on January 8 impossible. Defense counsel requests the additional time to consult with her client, review the government's plea offer, meet with her client, continue independent investigation, and prepare for the change of plea hearing.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 8, 2024 to January 22, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

## IT IS SO STIPULATED.

Dated: December 14, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ JUSTIN J. GILIO  
JUSTIN J. GILIO  
Assistant United States Attorney

1 Dated: December 14, 2023

/s/ Monica Bermudez  
2 Monica Bermudez  
Counsel for Defendant  
3 Martin Velazquez

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9 IT IS SO FOUND and

10 IT IS SO ORDERED.

11 Dated: December 21, 2023

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13 UNITED STATES DISTRICT JUDGE